

SENATE BILL 1716  
By Graves

AN ACT to amend Tennessee Code Annotated, Title 50, Chapter 2, to enact the "Equal Pay Remedies and Enforcement Act".

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. This act shall be called the "Equal Pay Remedies and Enforcement Act".

SECTION 2. (a) The legislature finds that:

(1) Despite federal and state laws banning discrimination in employment and pay in both the private and public sectors, wage differentials persist between women and men, and between minorities and non-minorities in the same jobs, and in jobs that are dissimilar but that require equivalent composites of skill, effort, responsibility and working conditions.

(2) Wage discrimination not only harms individual women and people of color, it depresses living standards, contributes to higher poverty rates among female-headed and minority households, prevents the maximum utilization of available labor resources, causes labor disputes that burden commerce, and violates the state's expressed policy against discrimination.

(3) Many people work in occupations that are dominated by individuals of their own sex, race and/or national origin, and discrimination in hiring, job assignment, and promotion has played a role in establishing and maintaining segregated work forces.

(4) Current remedies imposed on employers who practice discrimination in pay between men and women, and between minorities and non-minorities, have proven to be only partially effective in eliminating such wage disparities.

(5) Understanding the full extent and causes of wage disparities between men and women, and between minorities and non-minorities in the private and public sectors, would enable the state to take more effective measures to reduce disparities and to eliminate discrimination in wage-setting.

(b) This law is enacted to protect the health and welfare of individual residents and improve the overall labor environment by correcting and deterring discriminatory wage practices based on sex, race, and/or national origin; developing reliable data about the extent of such wage discrimination; and providing greater understanding about its causes.

SECTION 3. Tennessee Code Annotated, Title 50, Chapter 2, Part 2, is amended by adding the following language as a new, appropriately designated section:

Section 50-2-207.

(a) Any employer who violates the provisions of this part shall additionally be liable for such compensatory and punitive damages as may be appropriate.

(b) Any employer found liable by virtue of a final judgment under this part for any monetary damages provided thereunder shall pay to the state a civil penalty equal to ten percent (10%) of the amount of damages owed. Such civil penalty shall be used by the state solely for the purpose of carrying out its responsibilities for the administration and/or enforcement of this part, including, but not limited to, carrying out the study mandated by Section 4 of this act, and the enforcement of other state employment discrimination laws.

SECTION 4. (a) Within ninety (90) days after the effective date of this act, the commissioner of labor and workforce development shall appoint a commission of nine (9) members, to be known as the "Equal Pay Commission".

(b) Membership on the commission shall be as follows:

(1) Two (2) representatives of businesses in the state, who are appointed from among individuals nominated by state business organizations and business trade associations.

(2) Two (2) representatives of labor organizations, who have been nominated by a state labor federation chartered by a federation of national or international unions, that admits local unions as members, and exists primarily to carry on educational, legislative and coordinating activities.

(3) Two (2) representatives of organizations whose objectives include the elimination of pay disparities between men and women and/or minorities and non-minorities, and who have undertaken advocacy, educational or legislative initiatives in pursuit of that objective.

(4) Three (3) individuals drawn from higher education or research institutions who have experience and expertise in the collection and analysis of data concerning such pay disparities and whose research has already been used in efforts to promote the elimination of those disparities.

(c) The commission shall make a full and complete study of:

(1) The extent of wage disparities, both in the public and private sector, between men and women, and between minorities and non-minorities.

(2) Those factors which cause, or which tend to cause, such disparities, including segregation of women and men, and of minorities and non-minorities across and within occupations; payment of lower wages for occupations traditionally dominated by women and/or minorities; child-rearing responsibilities; and education and training.

(3) The consequences of such disparities on the economy and families affected.

(4) Actions, including proposed legislation, that are likely to lead to the elimination and prevention of such disparities.

(d) The commission shall, no later than twelve (12) months after its members are appointed, make its report to the commissioner of labor and workforce development, who shall in turn transmit it to the governor and the speakers of both houses of the general assembly.

(e) The commission's report shall include the results of its study as well as recommendations, legislative and otherwise, for the elimination and prevention of disparities in wages between men and women, and between minorities and non-minorities.

SECTION 5. This act shall take effect on July 1, 2003, the public welfare requiring it.